

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:109-CR-00306
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	<u>GOVERNMENT'S UNOPPOSED</u>
ROBERT L. TURNER,)	<u>MOTION TO RESCHEDULE</u>
)	<u>RESENTENCING DUE TO THE</u>
Defendant.)	<u>UNAVAILABILITY OF DEFENDANT</u>

The United States of America, by and through its counsel, Justin E. Herdman, United States Attorney, and Brian M. McDonough, Assistant U.S. Attorney, respectfully moves this Court to reschedule defendant Robert L. Turner's sentencing from October 9, 2019, at 2:00 p.m. to any time after Turner arrives in the Northern District of Ohio. The U.S. Marshal will notify the Court once Turner is in the district.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Brian M. McDonough
Brian M. McDonough (OH: 0072954)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3965
(216) 522-2403 (facsimile)
Brian.McDonough@usdoj.gov

MEMORANDUM

On September 9, 2019, a re-sentencing was set to go forward in this case. Assistant Federal Public Defender Christin Grostic was present for Defendant Robert Lee Turner. Probation Officer Ryan Franklin was present on behalf of Michelle Spaulding. Turner did not appear. After a short colloquy, the Court decided it best to continue the hearing until Turner could be present to participate. The Court reset the sentencing to October 9, 2019, at 2 p.m. and requested that the AUSA ensure the proper forms were filed with the U.S. Marshal for transport and appearance.

On September 9, 2019, the undersigned AUSA prepared a USA-475 transport form and notified the U.S. Marshal of the transport request. Turner was an inmate at Manchester FCI in Manchester, KY, BOP Inmate Number 55934-060. The USA-475 form was approved on September 20, 2019. On September 26, 2019, the U.S. Marshal notified this AUSA that Turner might not arrive until October 9. Defense counsel Grostic requested to be notified when Turner arrived in the district. On October 3, 2019, the U.S. Marshal advised this AUSA that Turner would not arrive in time for the hearing, but that the U.S. Marshal would update everyone.

Government counsel respectfully requests that the resentencing be rescheduled to any time after Turner arrives in the district. The U.S. Marshal will notify everyone. The additional time will also allow defense counsel Grostic to confer with his client. The defense has no objection to the rescheduling.

For all of the foregoing reasons, the government respectfully requests that the resentencing hearing be rescheduled.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Brian M. McDonough
Brian M. McDonough (OH: 0072954)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3965
(216) 522-2403 (facsimile)
Brian.McDonough@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Brian M. McDonough

Brian M. McDonough
Assistant U.S. Attorney